

**PHYSICAL THERAPY BOARD OF CALIFORNIA****Consumer Protection Services Program**

1418 HOWE AVENUE, SUITE 16, SACRAMENTO, CA 95825-3204
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October 20, 2003

Citation No. 03-04-0065

Robert Leek, PTA
1742 Ruth Dr
Pleasant Hill CA 94523

License No. AT 3944

CITATION

Investigation of a recently submitted complaint has revealed actions taken by you which violate sections of the law regulating the practice of physical therapy. A Citation is hereby issued to you in accordance with Section 125.9 of the Business and Professions Code for the violations described below.

The Physical Therapy Board of California received a complaint alleging the that physical therapy aides were allowed to practice without the supervision at the California Therapy Center. Interviews and a review of the patient records were conducted. The investigation confirmed that Louis Klein, PT, Carrie Morth, PT, and Iris Maoz, PT, failed to provide adequate supervision to physical therapist assistants and aides.

FIRST CAUSE FOR CITATION

On or about September 2002, an onsite investigation was conducted by an expert consultant and an Investigator at the California Therapy Center, 400 29th Avenue, Oakland, California.

On or about this date of the onsite investigation, Louis Klein, PT, was interviewed by an investigator and an expert consultant reviewed fifteen (15) randomly selected patient records from the year 2000 and fifteen (15) from 2001. Nine (9) of the fifteen (15) records from 2000 and seven (7) from the fifteen (15) from 2001 were significantly lacking co-signatures of the physical therapist. The expert consultant identified Louis Klein, PT, Carie Kramer (Morth as reported in investigation), PT, Iris Maoz, PT, Robert Leek, PTA, and Tracy Sarikakis, PT, as providing physical therapy to the patients.

Patient 1 findings: Louis Klein, PT, performed the initial evaluation for patient on 02/26/1999. There were progress notes made by Bob Leek, PTA, on 04/6/1999,

05/19/1999, 05/21/1999, 12/14/1999, and 12/21/1999 that were not co-signed. There were multiple notes made by an unidentifiable aide that were not co-signed.

The above constitutes a violation of the Section 2630 of the B&P. It is unlawful for any person or persons to practice or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid, unexpired, and unrevoked license issued under this chapter.

SECOND CAUSE FOR CITATION

Patient 2 findings: Carie Kramer, PT, performed an initial evaluation for patient on 3/01/2000. On the 03/0/2000 note entry by Robert Leek, PTA, Carie Kramer, PT, failed to co-sign. On 3/14/2000, Louis Klein, PT, made a note entry with separate status report signed by Robert Leek, PTA, and not co-signed by any physical therapist.

The above constitutes a violation of the Section 2630 of the B&P. It is unlawful for any person or persons to practice or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid, unexpired, and unrevoked license issued under this chapter.

THIRD CAUSE FOR CITATION

Patient 4 findings: Louis Klein, PT, performed the initial evaluation for patient on 05/19/2000. Robert Leek, PTA, had note entries on 05/30/200, 06/06/2000, and 06/06/2000 that were not co-signed.

The above constitutes a violation of the Section 2630 of the B&P. It is unlawful for any person or persons to practice or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid, unexpired, and unrevoked license issued under this chapter.

FORTH CAUSE FOR CITATION

Patient 6 findings: Louis Klein, PT, performed an initial evaluation of patient on 06/01/2000. On 06/06/2000, 06/09/2000, 07/12/2000, 07/19/2000, and 08/02/2000, Robert Leek, PTA, wrote notes that were not co-signed by a physical therapist. On 10/03/2000 Louis Klein, PT, performed a second evaluation of patient. On 11/09/2000, 11/13/2000, 11/15/2000, 12/14/2000 and, 12/18/2000 Tracy Sarikakis, PTA, made notes that were not co-signed by a physical therapist.

The above constitutes a violation of the Section 2630 of the B&P. It is unlawful for any person or persons to practice or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid, unexpired, and unrevoked license issued under this chapter.

FIFTH CAUSE FOR CITATION

Patient 7 findings: On 05/22/2000 Louis Klein, PT, performed an initial evaluation of patient. On 06/05/2000, 06/06/2000, 06/15/2000, 06/19/2000, 06/28/2000, 06/30/2000, 07/07/2000, 07/12/2000, 07/14/2000, 07/17/2000, 07/19/2000, and 07/24/2000, Robert Leek, PTA, made notes regarding patient that were not co-signed by a physical therapist. On 08/09/2000, an unidentified OT/PT aide who made an entry regarding the care of Patient 7. The aides' note was not co-signed by a physical therapist.

The above constitutes a violation of the Section 2630 of the B&P. It is unlawful for any person or persons to practice or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid, unexpired, and unrevoked license issued under this chapter.

SIXTH CAUSE FOR CITATION

Patient 8 findings: On 01/17/2000 Carie Kramer, PT, performed an initial evaluation of Patient 8. On 01/24/2000, 02/01/2000, 02/03/2000, 03/01/2000, 03/03/2000, 03/10/2000 and 03/13/2000 Robert Leek, PTA, wrote notes in the patient's progress record that were not co-signed by a physical therapist. On 3/16/2000 an unidentified OT/PT aide wrote a progress note as an addendum to Louis Klein's 03/16/2000 note. The aide wrote. " addendum- pt declined to do stretching with heat & ultrasound...." The aides' note was not cosigned by the physical therapist.

The above constitutes a violation of the Section 2630 of the B&P. It is unlawful for any person or persons to practice or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid, unexpired, and unrevoked license issued under this chapter.

SEVENTH CAUSE FOR CITATION

Patient 9 findings: On 05/03/2000 Louis Klein, PT, performed an initial evaluation of Patient 9. On 06/08/2000 and 06/15/2000, Robert Leek, PTA, wrote progress notes that were not co-signed by a physical therapist.

The above constitutes a violation of the Section 2630 of the B&P. It is unlawful for any person or persons to practice or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid, unexpired, and unrevoked license issued under this chapter.

ORDER

Further, **you are ordered to pay a fine of \$ 1400.00** to the Physical Therapy Board of California within 30 days after receipt of this Citation.

If you wish to contest all or any part of this Citation, complete the enclosed "Notice of Appeal -Request for Informal Conference" form and return it to this office within 10 days after receipt of this Citation. The date indicated on the order of abatement will be held in abeyance only for any violation(s) you wish to contest. The time to correct all uncontested violations will be adhered to as specified. In the alternative, you may, within 30 days after receipt of this Citation, request a formal administrative hearing before an administrative law judge under the Administrative Procedure Act.

FAILURE TO RETURN THE REQUEST FOR INFORMAL CONFERENCE FORM OR TO REQUEST AN ADMINISTRATIVE HEARING WITHIN THE TIMES INDICATED WILL WAIVE YOUR RIGHT TO ADMINISTRATIVELY CONTEST OR APPEAL THIS CITATION.

Administrative Fine

\$ 1400.00

FOR YOUR PROTECTION AND TO ASSURE PROPER CREDIT,
PLEASE RETURN THE COPY OF THE CITATION
AND NOTE THE CITATION NUMBER ON YOUR CHECK
OR MONEY ORDER.

October 20, 2003

Date

Original Signed By:

STEVEN K. HARTZELL

Executive Officer



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ORDER OF ABATEMENT
October 20, 2003

Citation Against: Robert Leek

Citation No. 03-04-0065

Violations: Business and Professions Code Section 2630.

Description:

Business and Professions Code 2630

It is unlawful for any person or persons to practice or offer to practice, physical therapy in this state for compensation received or expected, or to hold himself or herself out as a physical therapist, unless at the time of so doing the person holds a valid, unexpired, and unrevoked license issued under this chapter.

Order of Correction

You are hereby ordered to abate this violation immediately and to cease and desist from further violation.

Failure to comply with the provisions of this Citation and Order of Abatement within 30 days of receipt may result in further legal action.